

**ASSEMBLY BILL**

**No. 555**

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**Introduced by Assembly Members La Malfa and Chavez**  
(Principal coauthors: Senators Denham and Florez)

February 16, 2005

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An act to amend Section 5090.70 of the Public Resources Code, and to amend Section 38225 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 555, as introduced, La Malfa. Vehicles: Off-highway vehicles.

Existing law, the Off-Highway Motor Vehicle Recreation Act of 2003, provides for the acquisition, operation, and funding of state off-highway vehicular recreation areas and trails. Specified taxes imposed upon the distribution of motor vehicle fuel and certain fees, fines, forfeitures, and reimbursements are required to be deposited in the Off-Highway Vehicle Trust Fund for allocation, upon appropriation by the Legislature, by the Off-Highway Motor Vehicle Recreation Commission.

All of the above provisions in existing law are to be repealed on January 1, 2007.

This bill would extend that repeal date until January 1, 2012, and would similarly extend a January 1, 2007, repeal date, currently applicable to the collection and disposition of certain related fees, to January 1, 2012.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 5090.70 of the Public Resources Code is amended to read:

5090.70. This chapter shall remain in effect only until January 1, ~~2007~~ 2012, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, ~~2007~~ 2012, deletes or extends that date.

SEC. 2. Section 38225 of the Vehicle Code, as amended by Section 40 of Chapter 563 of the Statutes of 2002, is amended to read:

38225. (a) A service fee of seven dollars (\$7) shall be paid to the department for the issuance or renewal of identification of off-highway motor vehicles subject to identification, except as expressly exempted under this division.

(b) In addition to the service fee specified in subdivision (a), a special fee of eight dollars (\$8) shall be paid at the time of payment of the service fee for the issuance or renewal of an identification plate or device.

(c) All money transferred pursuant to Sections 8352.6 and 8352.7 of the Revenue and Taxation Code, all fees received by the department pursuant to subdivision (b), and all day use, overnight use, or annual or biennial use fees for state vehicular recreation areas received by the Department of Parks and Recreation, shall be deposited in the Off-Highway Vehicle Trust Fund, which is hereby created. There shall be a separate reporting of special fee revenues by vehicle type, including four-wheeled vehicles, three-wheelers, motorcycles, and snowmobiles. All money shall be deposited in the fund, which is a trust fund, and, upon appropriation by the Legislature, shall be allocated by the Off-Highway Motor Vehicle Recreation Commission, as provided in this section. Money in the fund shall be administered by the commission, as trustee of the fund, and, subject to Section 5090.61 of the Public Resources Code, shall be allocated for those purposes set forth in Section 5090.50 of the Public Resources Code.

(d) Any money temporarily transferred by the Legislature from the Off-Highway Vehicle Trust Fund to the General Fund shall be reimbursed, without interest, by the Legislature within two fiscal years of the transfer.

1 (e) This section shall remain in effect only until January 1,  
2 ~~2007~~ 2012, and as of that date is repealed, unless a later enacted  
3 statute, that is enacted before January 1, ~~2007~~ 2012, deletes or  
4 extends that date. Any unencumbered funds remaining in the  
5 Off-Highway Vehicle Trust Fund on January 1, ~~2007~~ 2012, shall  
6 be transferred to the General Fund.

7 SEC. 3. Section 38225 of the Vehicle Code, as amended by  
8 Section 3 of Chapter 227 of the Statutes of 2001, is amended to  
9 read:

10 38225. (a) A service fee of seven dollars (\$7) shall be paid to  
11 the department for the issuance or renewal of identification of  
12 off-highway motor vehicles subject to identification, except as  
13 expressly exempted under this division.

14 (b) This section shall become operative on January 1, ~~2007~~  
15 2012.